

PUBLIC SIDEWALK PLAN - TESTIMONY ON AMENDMENTS ONLY

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

22 ✓ Arwen Bird, Donita Fry + Emily Gioffred	Human Rights Commission	
1 ✓ Jason Barbour	4721 SE 65th Ave., Portland, OR, 97206	portland@KARJ.com
2 ✓ Don Suiter	Homeless	Piss off . com
11 ✓ JOE WALSH	7348 SE DIVISION	LONELY2005@COMPAST.NET
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9 ✓	Jessica Rose	2404 N VANCOUVER PDX OR 97227	
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3 ✓	Andrea Meyer	ACU	

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NAME (print)	ADDRESS AND ZIP CODE	Email
2 ✓ DORY DAVIS	241 4TH AVE NW 97204	_____
1 ✓ WYATT McMINN	1829 SE STARK 97214	



***Sidewalks are for Everyone!***

**NO Sidewalk  
Management  
Ordinance**

***Take fear and classism to the curb!***

Martha Perez



We are following up on the testimony we gave last Thursday on the **Sidewalk Management Ordinance, aka Sit/Lie 4.0**. We had hoped to give feedback on the revised ordinance based on the discussion you had at the hearing, but the version posted by the Council Clerk Friday was identical to the one heard last week, and we can't find an updated version on the website. On the other hand, we urge you to simply scrap the whole idea of trying to pass this unnecessary law.

We want to begin by repeating the "million dollar question" raised by Commissioner Fritz about the exception to blocking the sidewalk that is allowed for free speech events: She asked, if there's any exception to keeping the sidewalks clear for people with disabilities, what's the point of having the ordinance? Indeed. We want to be clear—we strongly support that sidewalks should be open for free speech events, and for anyone, whether it's three or more people as designated in the ordinance draft or one person with a button saying "I'm protesting the sidewalk ordinance." However, the Commissioner's question goes to the heart of the problem: **if clear sidewalks are the goal, why are there exceptions for sidewalk cafes, A-Boards, newspaper stands, parking vending stations, and other obstructions?**

We raised the point that **the Americans with Disabilities Act does not address human beings (or for that matter, other animals) blocking the path of people using mobility devices or aid for vision impairment**. Rather, it only focuses on curb cuts, having sufficient "turnaround" areas for wheelchairs every 200 feet (about the length of a downtown City block), and keeping the sidewalk free from permanent obstructions. Mayor Adams declared that a bevy of lawyers would disagree with our assertion—we say, please show us the part of the ADA that deals with people and not with objects. We know how to use internet search engines—and they turn up numerous references to the ADA and court cases (including *Barden v. City of Sacramento* [Ninth Circuit, 2001]) and we can't find any reference to people being part of the ADA requirements.

We were quite supportive of the people with disabilities, including Human Rights Commissioner Arwen Bird, who said not to enact this law in their name. **Only two people out of 31 testified that Council should pass the ordinance**. One of them claimed it would help protect guide dogs from being attacked by other dogs on the sidewalk. Unfortunately, the ordinance does no such thing—it only requires that a person have a dog on a 2 foot leash when using downtown sidewalks. A dog in the pedestrian zone or outside of that zone could still come at a guide dog even if the law is adopted.

We questioned where the supporters of this ordinance were on Thursday—**certainly one or two of the businesspeople who attend the "Sidewalk Management Advisory Committee" meetings or a representative of the Portland Business Alliance could have come up to show support**. The community knows that these are the folks pushing Council to get a new sit/lie ordinance in place—perhaps in time for Rose Festival. But maybe they did not need to speak in public since they had already cut a deal for Council to pass this law behind closed doors?

With regard to the speed with which this is being pushed through, Commissioner Fritz had asked for the ordinance strengthening the Independent Police Review Division to be put on hold for two weeks in March. **We wonder why the ordinance is being rushed back to Council this week when Commissioner Fritz clearly had not had enough time to review the details to see the free speech exemption before April 29.**

Another issue we raised was the criminalization of homeless and poor people. We drew attention to **the unintended consequences of ticketing a person for the sidewalk ordinance, which if they fail to pay a fine, show up in community court, or do community service could lead to a bench warrant and criminal sanctions**. We noted the parallel between these unintended consequences and those when Portland Police arrest a person for a minor charge who may be an undocumented immigrant: while Portland does not deal with immigration issues, by turning them over to the County Sheriff's office, they expose immigrants to possible deportation by ICE in the jails.

We also responded to Deputy City Attorney David Woboril's statement that people who remain on the sidewalk after being told about the new law will likely be cited with disorderly conduct. If that is true, then why do you need the ordinance at all? Wasn't that the point of Judge Bushong's decision last summer which found Sit/Lie 3.0 to be unconstitutional? It seems **the dividing line between improperly using the sidewalk (that is, being in the through pedestrian zone and unable or unwilling to move "immediately" to allow a person to pass you) and disorderly conduct is the question of intent to cause "inconvenience, annoyance or alarm."** The City wants to create a penalty for people who create those problems unintentionally. They have been wrong to do so in Sit/Lie versions 1-3, and they are wrong to do it now with version 4.0.

We noted before that one solution, if the Council truly cares about not dotting a person's record with a misdemeanor or felony, is to **create a code announcing the City will enforce certain crimes (like Disorderly Conduct) as violations.**

We repeat our concern that **this law will be used to target poor and homeless people**—as Sit/Lie 3.0 did 85% of the time. **We strenuously object to the use of undercover officers to look for crimes that include littering.** Not only is the activity itself inappropriate, it has nothing to do with the rest of the Sidewalk Management City Code and does not belong in the ordinance. Regina Hannon, observing the Sidewalk Management Advisory Committee meeting on Monday, May 3 on behalf of Portland Copwatch, raised the issue there. While the Committee did not muster a majority vote to raise a concern about this issue, what's more important is who was raising the concern: The ACLU, Sisters of the Road, Soapbox Under the Bridge and Portland Copwatch. We've been right on these laws before and you'd be wise to listen. In totalitarian states, they do not necessarily have armed police on every corner, instead they enlist large swaths of the population to report any opposition to their regimes. This leaves the rest of the population living in fear that the person next to them could land them in jail or worse. Is this the society our City Council envisions?

Here are other concerns we raised:

—**By placing the “through zone” up against buildings, you are pushing people who want or need to sit or lie out from under awnings (in a city where it rains 6 months a year) and by the curb to be splashed, hit with car doors, or knocked into traffic.**

—**Some of the largest animals that take up room on the sidewalk are police horses,** and we hope that Council will set those long-suffering animals free by defunding the Mounted Patrol in the 2010-2011 budget.

—**The most likely people who will call the phone numbers to report problems on the sidewalk will be people with financial means calling about poor and homeless people.**

—**The Council's repeated references to its own spending on housing, and the Portland Business Alliance's commitment to amenities, do not allow you to buy away people's rights and dignity.** When a parent says “you ungrateful child, I cook, clean and sew for you” that does not mean it is ok for the parent to abuse that child.

Thank you again for your time and we look forward to the hearing this Thursday at 3 PM.

Dan Handelman  
for Portland Copwatch



Portland City Council Hearing  
Sit/Lie Ordinance (Sidewalk Management Plan)  
Thursday, May 6, 2010  
By Glenn Kirkindall, Freedom Socialist Party

183754

Thank you Mayor and City Council for holding this hearing. My name is Glenn Kirkindall from the Freedom Socialist Party. I have come here to urge you to scrap the revised Sidewalk Management Plan (SMP). This resolution does nothing to change the economic cause of homelessness, it pits people with disabilities against the homeless, and more power is given to the police that can be used to curtail our civil rights.

This plan is nothing more than a reincarnation of the Sit/Lie Ordinance that was ruled unconstitutional. Under the guise of "the Portland police bureau will conduct regular missions", the police and undercover cops can continue to harass the homeless under the pretext of making the sidewalk accessible for wheelchairs even when there is no wheelchair rider around, and keeping businesses entrances clear of alleged criminal activity. We had all better be concerned because the condoning of attacks on the homeless are setting precedence to attacks on individuals, labor groups, social justice groups and organizations that gather downtown to exercise their civil rights to demand change from labor struggles and gay marriage to defending abortion rights.

This resolution disgracefully pits the rights of the homeless against the Americans With Disabilities Act (ADA). It reflects the cozy alliance between the City Council and the Portland Business Alliance (PBA). The PBA loves this resolution. Instead of blaming the failing economy causing their loss of profits, the PBA blames alleged criminal behavior of aggressive panhandlers, homeless littering and their unlicensed animals. To them, the downtown sidewalks are not public space, but a "transportation facility" that needs to be managed. This form of "management" relies on policing the sidewalks to have a defined corridor to provide a right-of-way for wheel chairs, in accordance with the ADA, while prioritizing patio furniture and displays in front of businesses. This exposes the SMP as a reincarnation of the Sit/Lie Ordinance - the purpose still is to serve business profits.

To get support of homeless advocates and the liberal community the plan makes promises with limited benefits. While more toilet facilities tourists and the homeless will be useful, resource centers cannot handle the large numbers of individuals or families on the streets. There are too few jobs available to pay living wages and too few low income shelters. Without ready access to phone services and the internet, individuals who are homeless cannot provide remedies to the faults in the SMP.

The oversight committee in the original SMP has been replaced by an advisory committee. Members of this committee are not elected or representative of different communities in order to provide oversight over the police. Without this oversight that would allow reforms, appointments to the advisory committee would serve to rubber stamp the methods of the police enforcement. To curtail abuse of power by the police we need an elected civilian police review board that is independent of the police and City Hall, with the power to discipline police officers.

We need to establish enough decent affordable public housing, public works that pay a living wage, 24-hour childcare centers and community kitchens. Let the homeless be in charge these public projects. To fund these programs, big businesses should be taxed by the City.

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PUBLIC SIDEWALK MANAGEMENT PLAN

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<del>STEPH ROYTH</del> <del>Shelley Bailey</del>	<del>Central Ave</del> Radish Underground	
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Duke Cardinal  
3822 S.W. Plum St #5  
Portland, Oregon

#601  
4-29-10

183754

Albert Einstein, once said that the definition of **Insanity** is:

**“Doing the same thing over and over again and expecting different results.”**

This ordinance and the previous ordinances that tried to address sidewalk issues reminded me of this quote because of. The City of Portland and previous city councils have enacted this type of **unconstitutional** and **INSANE** ordinance seemingly once during each new mayors term former Mayor(s) Potter and Mayor(s) Katz being the two most recent . Just like the during some of the previous Oregon Governors terms, some Governors float a sales tax initiative which shot down each and every time by the Oregon voters. This city council is now doing the same thing and expecting different results. The previous ordinances were declared unconstitutional by judges because the ordinances were used to target people that are experiencing, or look like they are homeless and the council uses the same findings and the same language with just minor tweaks to the findings **and** language in the proposed ordinance. This **INSANE** ordinance will also be declared unconstitutional.

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This **INSANE** ordinance is only deals with the visible symptoms of the homelessness problem. This ordinance attempts to appease the business community and major retailers in the downtown core and in the Lloyd Center areas of Portland and sweep the homelessness problem under the rug or out of their neighborhood and have some else deal with the problem rather dealing with the problem. The root cause of homelessness in The City of Portland is the lack of affordable housing.

Emergency or otherwise today, or in the future

In Closing: DO NOT enact this **INSANE** ordinance. The sidewalks are for everybody regardless of their current income levels or housing situation. Stop the insanity and thank for your time today.



latimes.com/news/local/la-me-rvhomeless31dec31,0,376091.story

183754

Submitted by  
Wade Varner

4-29-10

27 pages

**latimes.com**

COLUMN ONE

## Choosing their lots in life

**A strict Santa Barbara program lets people live in their cars. For some it's transitional, but others are happy with their spot on the asphalt.**

By Steve Chawkins

Los Angeles Times Staff Writer

December 31, 2007

SANTA BARBARA

Two or three nights a week, a 29-year-old ex-Peace Corps volunteer named Shaw Talley rolls through the parking lots in his old Volvo wagon, offering help where he can. In spaces where others see a handful of battered RVs and vans, Talley sees lives playing out, for better or worse.

Here, a Vietnam vet suffers from war wounds that keep him in constant pain. There, a man in a van plays classical music on his violin. Here, a diabetic gives himself an insulin shot under the dim glow of his dome light. There, a quiet middle-aged woman eases into her old Lincoln for the night, resting up for another day in customer service at a big-box store. In the glare of a street lamp, she relaxes with a book before closing her eyes.



All are beneficiaries of the city-sanctioned Safe Parking program, which allows people to live -- sometimes for years -- in cars or RVs in about a dozen parking lots that belong to the city, the county, churches, nonprofits and a few businesses in industrial areas.

In the course of a week, Talley, a caseworker for the program, checks in with most of his roughly 55 charges. Some need doctors, some need jobs, some need car repairs. On top of such daily concerns, Talley helps them through the laborious process of applying for low-income housing, though a few prefer a more-or-less permanent berth on the asphalt.

"It's not my job to judge them because they might want to live in their vehicles," said Talley, who volunteers at a hospice during his off hours and plans to attend graduate school in social work next year. "I'm here to give them options."

183754

The five-year-old program, administered by the New Beginnings Counseling Center, is one of just a few across the United States. It is being considered as a possible model by neighborhood groups in the increasingly costly Venice area, where parking on congested blocks has been made even tougher by an influx of street campers.

"The streets aren't meant for living -- it's not acceptable," said Mike Newhouse, president of the Venice Neighborhood Council, which, with Los Angeles City Councilman Bill Rosendahl, is studying the Santa Barbara program. "And most folks here think it's not acceptable that anyone should be forced to live in a vehicle."

In Santa Barbara, a place of legendary affluence where fixer-uppers can cost more than \$1 million, nobody knows just how many people are living illegally on four wheels. Last year, Talley took it upon himself to do an informal census, driving around one evening looking for telltale signs of vehicular habitation: towels draped over windows, condensation fogging windshields. Within hours, he counted 249 makeshift homes.

"Mostly, they try to stay invisible," Talley said. "They don't want to get hassled by the police. They don't want to be victimized by thugs."

Talley, who has the sunny good looks of an extra in a surf movie, is unrelentingly positive. He speaks of "the higher self" within everyone and draws on his Peace Corps stint for inspiration: "When I go up to a vehicle, it's like going to some hut in Paraguay and clapping my hands before I enter, saying, 'Hey, I'm here!' "

Still, the job drains him. In his closet-size office at the Salvation Army in Santa Barbara, he sometimes cringes at the stories he hears. "They're crying in front of me, they're telling me about being raped on the streets, about all sorts of things -- and a little piece of me dies," he said.

On the wall hangs a license plate, an artifact from the ancient Volkswagen bus that one of Talley's first clients lived in for years. Talley helped place the man -- an ex-lawyer who had attended West Point -- in low-income housing. He drove him to a Los Angeles VA hospital for knee replacement surgery. He even got him a \$1,000 check from a state program that pays motorists to scrap polluting vehicles.

"I just kept thinking that this guy could be my grandfather," Talley said.

Addicts show up from time to time, asking for a parking permit. One man was obsessively picking at himself -- the mark of a meth user. When Talley told a couple to wait while he fetched a drug-testing kit, they vanished.

"If they're not taking themselves or their hygiene seriously, I'll pass them on," he said. "I'll say, 'You need to go to detox. We're not going to help you hurt yourself.' "

New Beginnings runs the program on an annual budget of about \$105,000, drawn from city and county funds as well as private donations.

It does not cater to the poorest of the poor. Participants must have auto insurance, driver's licenses and vehicles sound enough to drive off the lots during daylight hours. They must also agree to rules: no loud music, no alcohol, no drugs, no overnight visitors, no cooking outside the vehicle.

183754

No showers are provided, and though only a few of the lots have portable toilets, using parking-lot shrubbery as a bathroom is grounds for immediate expulsion. No more than five vehicles are allowed in each of the lots, which are located downtown and in the outlying areas of Goleta and Isla Vista.

City officials say the program has generated few complaints, most of them from one resident who owns property near one of the lots. It hasn't ended illegal camping on Santa Barbara's streets, but police say it presents no major problems and offers security and hope to those involved.

Some of the lot-dwellers work steady jobs. More than half were living in the area for years before some combination of bad luck, bad choices, booze, drugs or mental illness bounced them onto the streets.

In 2004, an ex-welfare worker named Boyd Grant bought a 31-year-old RV after selling the Carpinteria mobile home he could no longer afford to maintain.

By day, he's the unofficial caretaker of the Goleta fishing pier and has successfully lobbied Santa Barbara County for a small grant to fix the place up. At night, he's at home in the parking lot of a local food bank.

When Talley knocks on his door and calls his name, the 63-year-old Grant tells him things are going fine. The surgery for the bladder cancer went OK; ditto the double-hernia operation. He describes a week of recovery at a Motel 6 the way a middle-aged couple might describe their house after the kids leave for college: "I didn't know what to do with all that space."

Grant reads Buddhist philosophy under his rig's solar-powered lights and taps the latest news from the pier onto his website. It's a far cry from the exhausting cat-and-mouse game he used to play with the police -- finding a parking spot every night, dousing his interior lights when the sun went down, keeping himself still to avoid attention.

In the neatly kept RV he calls his "monk's cell," Grant argues that more local governments should allow single people to live this way.

"We can't afford to put everyone in a stick house," he said. "This is a reasonable option."

Not everyone agrees. Though she voted last spring for a modest expansion of the program, Santa Barbara Mayor Marty Blum said she worries about the city giving tacit approval to housing that can be squalid. She also fears exacerbating the homeless problem.

"The homeless community has a tremendous communication network," she said. "If they tell each other that it's OK in Santa Barbara, that's not the message we want to give out."

In 2000 -- two years before the program's inception -- the city felt so besieged by the mobile homeless that police wrote more than 200 illegal-camping tickets in just a few months. The Safe Parking program was begun only after homeless advocates mounted successful legal challenges to the aggressive enforcement policy.

"Who isn't drawn to Santa Barbara?" asked Talley, who grew up in the city before attending Gettysburg College in Pennsylvania. "I mean, give me a break -- it's Santa Barbara! Homeless people are going to keep coming here, and we have to engage them instead of looking the other way."



183754

At 73, Bob Coyle didn't come for the ocean views. After a turbulent past of heavy drinking, a bad divorce and ruptured family relationships, he wound up in an Isla Vista church parking lot because he has a daughter in the area. Besides, he said, his daughter's place was too crowded and "I didn't have anywhere else to go." When he wanted a shower, he would drive his cluttered van to his daughter's house. When he needed a bathroom, he would use one at a nearby park.

Five years ago, the former home remodeler had a stroke. Last summer, he underwent a six-hour operation to replace a blocked artery in his leg. Grant, his fellow RVer, paid for a week's stay in a motel.

"Amazing what that guy did for me," said Coyle, whose face is as weathered as his van. A few weeks ago, Coyle, who gets around only with great pain, moved into \$300-a-month senior housing that Talley helped him nail down. Beforehand, he worried about finding furniture for the place, about appliances, about the rent.

"I keep telling Shaw I'll get there just in time to die," he would say, only half joking. "Shaw keeps telling me not to worry."

In the last couple of years, Talley figures that he has helped at least 35 people move from their vehicles into subsidized apartments. Even after the move, he checks in with them frequently, helping them deal with landlords, neighbors, monthly payments -- skills that can fall away with life on the streets.

Earlier this month, Linda Turner, 66, found a spot in a new low-income senior housing project. For eight years, she had lived in a van crammed with pillows, stuffed animals, self-help books and memories. A basket held the ashes of her cat. There were framed photos from happier times: Turner when she was a white-gloved flight attendant, and when she was in a Bavarian dance troupe. Another was of the son, now 37, whom she hasn't seen in years.

She's had dramatic ups and downs. One downward spiral was triggered, she said, by an attorney who was embezzling her life's savings. A choral singer, she likens her life to the powerful operatic work "Carmina Burana" because "it can be seen as musically confusing but also exciting."

Turner used to work in interior decorating but now gets by on Social Security and supplemental SSI payments -- a source of income she didn't have until Talley gave her the paperwork and helped her fill it out.

With a loan from New Beginnings, Turner recently headed for Washington to retrieve her great-grandmother's settee and other heirlooms. Over the years, she has paid \$14,000 to store them.

"It's kept my hope going that one day I'd have a place," she said.

Not everyone wants that.

"There are hard-core cases where people who have moved into their vehicles are -- for very private and idiosyncratic reasons -- devoted to them," said Peter Marin, a longtime Santa Barbara activist.

In 2002, Marin's Committee for Social Justice won city approval for the parking program, which was modeled on one in Eugene, Ore. Marin said his group merely wanted safe parking spots for the homeless, but it was more politically palatable to "regularize" them with placement in conventional housing.

183754

One man, who requested anonymity, said he has lived in vans off and on for 25 years, partly because coming up with rent every month can be so stressful that it triggers his chronic fatigue syndrome.

He said he feels some shame about it.

"Some RVers are just drunks, living on the street, letting their sewage tanks overflow and giving all of us a bad name," said the man, who wears a dark suit every day to his minimum-wage job in the tourism industry. "I deal with some high-end people, and if they knew I lived in my van, I'd feel about two inches tall."

That's not a big concern for Harley Hill, 27, and Megan Connelly, 23, a couple from Oregon who can afford their expensive raw-food diet and all-natural clothing partly because they live with their two small children in an RV they bought for \$2,300.

Last spring, Connelly gave birth to baby Theo in the RV, parked at the county office complex. A landscaper at UC Santa Barbara, Hill has medical benefits, but he and Connelly both wanted the kind of privacy that's rare in bustling hospitals.

"We'd studied what to do, but we had a list of emergency numbers just in case," said Hill, slicing tomatoes, peaches and Spanish sheep's milk cheese for an evening repast by candlelight -- a necessity after a fuse blew. "In a hospital, people keep coming in to check on you. But here at home, it was quiet, we could focus."

They're not sure how long they'll call the parking lot home. After all, they were en route to Mexico when Santa Barbara drew them in last year. "We're kind of nomadic by nature," Hill said. "Next stop could be South America -- who knows?"

In the meantime, most of their parking-lot peers will pursue more modest dreams.

Talley will help them navigate a three-year waiting list for apartments, advise them on how to save money, get them to medical appointments and point them to stores that have good deals on secondhand blankets and camping toilets and day-old bread. Rowdies and rule-breakers will be tossed out, at least for a while.

"It's a constant give-and-take," Talley said. "It's a huge deal that organizations allow us to use their parking lots at night. They're saying we trust you, we trust your clients."

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Perceptions of public safety vary drastically. A tourist or shopper's basic understanding of safety will probably clash with that of a person who can't rub two dimes together. How you perceive public safety will depend on where you stand in society.

As the gap between the wealthy and poor grows, public displays of extreme poverty and suffering have become commonplace. This disturbing reality brings to the fore competing needs for public safety: whose rights should be protected by the state?

Our growing divide is a recipe for social instability and conflict. The current proliferation of "nuisance crime laws," private security, and surveillance cameras in public spaces resurrect a long-standing tradition in the United States of using punitive police measures to deal with poor and "unwanted" people. Like Jim Crow and Anti-Okie Laws, "nuisance crime laws" are encoded with racism and classism.

Does the litany of "nuisance crime laws" forbidding camping, loitering, trespassing, blocking the sidewalk and panhandling make society safer or would we do better to focus our attention and resources on the vast inequality riveting our country?

### **Public Safety and the Neoliberal State**

The recession has hit the poorest the hardest. According to the Center for Labor Market Studies, in the fourth quarter of 2009, households with incomes over \$150,000 had an unemployment rate of 3.2%, whereas households with incomes under \$12,499 had an unemployment rate of 30.8%. United for a Fair Economy reported that roughly 3.4 million families experienced foreclosure in 2009 and that almost 60% of mortgage defaults were caused by unemployment. African Americans and Latinos have experienced the brunt of the recession's unemployment and home equity loss.

Meanwhile, local and state governments across the country are eliminating programs, privatizing parks and other municipal services, raising tuitions, putting government workers on furloughs or reducing hours to curb budget deficits that in many States are now in the billions of dollars. According to the Center on Budget and Policy Priorities, "At least 45 states plus the District of Columbia have reduced services since the recession began."

The Obama Administration has interrupted some of the neoliberal social policies of the previous four administrations, most notably with the American Recovery and Reinvestment Act. Nonetheless, we are still reaping the misfortune of 30 years of neoliberal cutbacks to the safety net, cutbacks that have created huge structural gaps in the housing and labor markets.

As the economy and safety net unravel in the recession, public spaces have become a battleground for which perspective of public safety will win out. People from the top-earning households don't feel safe or comfortable in the presence of all the poor people on our streets and all the poor people on the streets don't feel safe or comfortable in the presence of all the police officers and security guards.

### **"Nuisance Crime Laws" Limit Public Safety**

"Nuisance crime laws" separate public safety from social welfare and equity at a time when a broader systemic effort is necessary to address the crises in housing, employment, education, and health care. Poverty is not an individual choice or lifestyle. Resting on a bench or even sleeping in a doorway are not problem behaviors, nor are they criminal acts. They are survival activities.



According to Homes Not Handcuffs, a report released in 2009 by the National Law Center on Poverty and Homelessness that surveys the criminalization of homelessness in 235 cities: 33% prohibit camping, 30% prohibit sitting/lying, 47% prohibit loitering, and 47% prohibit begging in certain areas of the city.

The messaging is clear: If your city is seen as tolerant of poor people in public spaces, tourists will stay away, families won't come downtown to shop, small businesses will go under, tax revenue will go down, budget deficits will increase, and more services will be cut, precipitating a downward, irreversible spiral into financial ruin.

This messaging has worked well with the mainstream media and local legislative bodies looking for "action now" solutions. It suggests a clear cause and provides a specific answer. The cause is "those people" and the answer is to get rid of them for "the greater good." After all, it's much easier to find someone to blame and pound the message home till it becomes its own reality than it is to address an economic system that is increasingly producing inequality and poverty.

### **A Place of Greater Public Safety**

The fear, nervousness, and desperation are very real, but policing the crisis will not fix the fundamental problem. We are at a crossroads in many ways. We need real solutions and they do exist. Economic human rights models that include a right to housing, education and treatment, a job with a living wage will prove much more effective in the long run. When pressed, people on all sides of this issue seem to agree on this point. Yet, advocates for "nuisance crime laws" keep crowding out other voices by saying that we need "action now!" They argue that one more law will give them the "tools" to make everything better.

Taking "action now" to address homelessness has meant needing even more "action" tomorrow. If we as a country had initially diagnosed the real causes of emerging homelessness in the early 1980s – the disappearance of affordable housing – instead of seeing it as a temporary crisis for dysfunctional people, the divisiveness, hostility and anger that surrounds today's frenzy to add more and more laws that keep moving homeless people from public view would be virtually non-existent.

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OUT THERE

**Small service makes big difference on L.A.'s skid row**

**A warehouse where the homeless can keep their belongings is adjusting as more families -- and even educated professionals -- seek aid. It's getting more bins and may add a dressing area.**

By Scott Gold

February 6, 2009

The trappings of the lives of Krystle Marage and her three daughters are not unusual. There are hairbrushes and loofah sponges; Game Boys and skateboards; school books and Bibles; clothes, clothes and more clothes. These days, they have to fit it all inside four trash cans, which sit alongside 500 others in a dank warehouse, around the corner from a frozen fish distributor and a cheap hotel.

**New scientific discovery fuels muscle building****Mysterious fruits reverse aging, improve health**

Marage, 46, grew up on a pig-and-chicken farm in Belize. The girls' father checked out long ago, she said. She's never had money, not in Belize, not in New York, where she immigrated in 1993, and not in L.A., where she arrived last year after friends convinced her there were jobs to be had. She's always made it, one way or another.

Two weeks ago, luck ran out. Unable to find work and living on \$359 a month in county general-relief assistance, Marage couldn't carry the rent on the one-bedroom space where they'd been staying in the South Park district, not far from Staples Center. She and her daughters landed on skid row.

Marage, a devout Christian, is sure the devil is after her. Authorities offer a more temporal explanation. The economy, they say, has soured to the point that skid row's sad parade of junkies, drunks and the mentally ill is not only swelling, but is increasingly peppered with new faces.

Many are new to homelessness. Some are educated professionals -- a few still carry briefcases -- and one, a few weeks back, was so confident that he was but a temporary visitor that he arrived clutching a pair of unused golf cleats. Long after it became city policy that skid row is no place for children, a jarring number of the newcomers are mothers and their children.

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So, at the warehouse run by the nonprofit Central City East Assn., where the homeless have long stored their belongings in trash cans that are gently referred to as "bins," operators are contending with a clientele they've never had before. The shift, they said, is subtle but real, and they are scrambling to respond.

Last weekend, they closed the warehouse several hours so they could reconfigure and squeeze in more bins. Managers hope to add 50 more, although that still won't meet the need, said the group's executive director, Estela Lopez.

Bigger changes are expected in coming months. For instance, the warehouse has a rule prohibiting clients from changing clothes at the site. That no longer seems practical, not with mothers bringing their children in to fetch clothes for school. So operators are hoping to add a private dressing area.

That move would come with complications unthinkable somewhere else. Skid row is home to a large concentration of sex offenders, and precautions would have to be taken. Also, many addicts in the area search each day for a secluded place to shoot up; warehouse supervisor Peggy Washington said she fears they might try to take advantage of a dressing room. "I don't need anybody dying here," she said.

Still, everyone agrees aggressive steps must be taken. "There are going to be things we're going to have to talk about that we've never had to talk about before," Lopez said.

The other day, Krystle Marage sifted through her family's bins. She and her daughters -- Mishanta, 14; Jay, 19; and Lilly, 21 -- stop in at least twice a day to retrieve clothes, grab a bar of soap, even snag a pack of Ramen noodles if they need a snack. They've all memorized the numbers assigned to their bins: 194, 202, 287, 348.

Marage stuffed plastic bags full of dirty clothes into the containers. Soon, she said, it would be laundry day. She rolled her eyes. "A momma's work," she said, "is never done."

The association's warehouse, along with the district's missions, food banks and social services, is one of the things that make skid row work, in its own tragic way.

For the homeless, the most mundane steps of the day -- going to the bathroom, finding a shower -- are tiring ordeals. It is particularly difficult for homeless people to figure out what to do with their stuff. After a point, they can't carry it with them, but if they leave it on the street, it'll be lost or stolen. Even if, like Marage's family, they are staying at one of the area's missions, most facilities limit the belongings that can be brought in and offer no storage space.

That's where Central City East's warehouse comes in, taking care, as Lopez puts it, "of one tiny aspect of an enormous conundrum."

In 2002, the warehouse was born of tension on the streets, when merchants became concerned about homeless people leaving bedrolls and shopping carts in front of their businesses. A local developer and association board member, Richard Meruelo, donated the warehouse, which is financed by the Los Angeles Homeless Services Authority and local business improvement districts.

The bins are popular. As long as clients renew them once a week, they can keep them in perpetuity, and many do. Only a handful of empty containers open up each day, and people routinely wait all night to try to qualify for one. Shortly before dawn each day, workers distribute scraps of paper -- "#1," "#2," "#3" --



identifying the hopefuls who were first in line.

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Clients keep an astonishing array of items at the warehouse. Some are predictable: blankets for colder nights, rolls of toilet paper, umbrellas. Some are more surprising. One man, wearing a jacket with the words "God Bless America" on it, sifted recently through the personal library he stores in his bin, including Jules Verne's "Journey to the Center of the Earth" and Alexandre Dumas' "The King of Romance."

"I don't know what I'd do without this place," said Rick Cuthbertson, 52, a former plumber and electrician who is unemployed and on the streets. "I would've given up. I would've committed suicide." He is not being hyperbolic; a diagnosed schizophrenic, Cuthbertson said he becomes suicidal without his pills, which he stores in his bin.

Last year, the clientele began to change. A couple living on the sidewalk asked for a bin after having a child. The warehouse is strict about providing just one bin per client, but another woman soon asked for an extra; she was having trouble fitting in her daughter's school clothes. "These were people who did not belong here," Washington said.

Two weeks ago, Marage walked through the door. She asked a worker for four bins -- one for herself, one for each girl.

She'd been looking for work for months, Marage said -- as a nanny, an office cleaner, you name it. Her youngest daughter attends Compton High School, but her older daughters had been looking for work too. Nothing. Never did they think they'd wind up here, she said. They just ran out of money and had nowhere to turn.

"We tried to avoid it as long as possible. But bad things happen, and it can happen to anybody," she said. "The things we see here . . . it hurts. And it hurts to know that we're in the same boat as everybody else down here."

The future is bright, she said; she remains convinced of that. "The Lord said: 'Ain't nothing too tough for me,'" she said. "All around here, you see people falling apart, and I can't afford to fall apart."

Still, the transition has been tough on them all. They often have to walk to two different missions to fill up on dinner; that practice is frowned upon, but some missions, hurting financially like everyone else, have begun scaling back their meal portions.

The experience has been especially hard on Mishanta, the youngest, who hasn't been talking much lately, though she periodically tells her mother: "I can't take it anymore."

Mishy, as her sisters call her, is a talented artist. This week, a friend at school gave her an early birthday present, a clock decorated with Japanese-style anime characters.

It was supposed to go on the wall, but Mishy has nowhere to hang it. So she put it in her bin, No. 287. It's still in there, hidden away in a room that never seems to get warm, under roosting pigeons and yellowing rolls of flypaper.

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## Homeless people can find compassion at the beach

**When the ACLU sued three Southern California beach cities over their treatment of homeless people, the municipalities protested. But they've also made changes.**

By Catherine Saillant

March 17, 2010

When a civil rights group sued three of Southern California's wealthiest coastal cities last year, alleging police harassment of the homeless, the howls of indignation were swift and loud.

Santa Monica city officials pointed to a long record of helping the destitute along its world-famous shoreline, including extensive social programs and a new and innovative homeless community court.

Santa Barbara has a year-round homeless shelter and allows those down on their luck to sleep in city-designated parking lots, a program being replicated by other municipalities.

And in artsy Laguna Beach, two life-size statues along South Coast Highway memorialize the late Eiler Larsen, a bearded, wild-haired and sometimes homeless man who called out greetings to townspeople and tourists for 33 years.

Laguna Beach City Manager Ken Frank, in comments that echoed across the three cities, accused the American Civil Liberties Union of penalizing "cities that are a little more liberal in their political leanings and generally have more of a social conscience."

Since the filings, Laguna Beach and Santa Barbara have quietly worked out agreements to provide more housing and support services for people on the streets. They've also agreed to stop what ACLU chief counsel Mark Rosenbaum claimed was a policy of citing homeless people for sleeping on sidewalks and beaches and to stop giving frequent orders to people to move on.

Santa Monica is still fighting the lawsuit. But it, too, has informally ended its practice of issuing citations and bench warrants to the homeless and is negotiating to provide more permanent housing, Rosenbaum said.

Overall, he said, the cities have stopped treating homelessness as a problem for the courts and have





begun tackling it with more housing and more services.

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"Since these talks began, we've had no reports of any arrests or bench warrants being issued in the three cities," Rosenbaum said. "That is a credit to the city officials."

Officials in all three cities said that they violated no civil rights and that the lawsuit filings did not spur action. Expanded social programs and additional beds were already in the pipeline when the ACLU filed separate suits against the cities beginning last spring, officials in all three cities said.

"They were not right legally," Santa Barbara City Atty. Steve Wiley said of the ACLU's case. "But it was easy to reach agreement because we were planning on doing most of these things anyway. It's just the right thing to do."

Santa Barbara's construction of a new low-cost housing project started two weeks ago and two more are in the planning stages, adding a total of 150 beds, Wiley said. The one-room units will probably rent for \$300 to \$400 a month, he said.

Santa Barbara is also working with nonprofits and social service workers to seek out homeless people in encampments and determine whether they can be served by social programs, he said.

Laguna Beach agreed to rescind an anti-camping ordinance and set up a program allowing homeless people to sleep overnight in a portable shelter purchased by the city, said John Pietig, assistant city manager. It hired a nonprofit to run the 50-bed shelter and provide services at a cost of \$250,000 to the city, he said.

Before the city got the shelter open, however, word spread that the no-camping law was gone, and homeless men began to fill the city's picturesque parks and beaches, Pietig said. The city launched nightly police patrols to keep drunken fights, vandalism and public urination under control, he said.

In November, Laguna Beach established curfews and banned a wide range of activities in city beaches and parks, including camping, lodging, storing personal belongings, lingering around restrooms, drinking alcohol and smoking. Officials said they believe the revised anti-camping law will pass constitutional muster. The city also began busing the homeless to sleep in the portable units set up in a gravel parking lot on the edge of town.

City leaders hope the new law and the shelter for local homeless people will minimize complaints from residents and run-ins with police.

Santa Monica disputes the ACLU's contention that city restrictions on sleeping in public places are a violation of civil rights. Still, Santa Monica leaders have met with the ACLU to discuss other approaches, such as expanding services for the homeless, Rosenbaum said.

Once referred to as the "People's Republic of Santa Monica," the city of 90,000 has moderated its politics in recent years. Yet it remains a place where the less fortunate have opportunities to find help.

One of them is the city's homeless community court, much like the more familiar drug courts, aimed at diverting people arrested on minor offenses out of the justice system and into supportive services.

The city has also adopted a plan to end homelessness, and one of its latest efforts is tallying the homeless

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population every six months. Those identified as most at risk of dying on the streets are put on a priority list for housing and other services, said Julie Rusk, a social services manager.

On a recent night, the outreach team found an 81-year-old woman who had been on the streets for at least 15 years, Rusk said. She's now living in a skilled nursing facility.

The ACLU's Rosenbaum said he won't argue that Santa Monica and the other cities have made genuine attempts to help vagrants. But that doesn't mean it's OK to let police harass those who remain on the streets, he said.

The ACLU has filed similar lawsuits in recent years. In 2007, Los Angeles settled its case by agreeing to find shelter for some of the estimated 48,000 homeless people spread across the county. Since July 2007, housing for 237 formerly homeless people has been built and 1,011 more units are in the pipeline, said Kim Thompson of the Los Angeles Homeless Services Authority.

The ACLU has also sued Fresno and San Diego, alleging that they destroyed possessions of homeless people during sweeps of encampments. In Fresno, city officials were accused of confiscating blankets, bicycles, medications, legal documents and, in one case, a woman's wheelchair.

Fresno agreed in 2008 to halt the practice and paid \$2.3 million in the class-action settlement. The San Diego case is ongoing.

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Times staff writer Tony Barboza contributed to this report.

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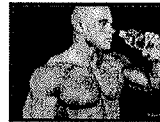
## Special zones urged for people who sleep in RVs, cars in Venice

**L.A. Councilman Bill Rosendahl says the sites could be city property, church parking lots, industrial areas and other places away from neighborhoods.**

By Phil Willon and Martha Groves

January 22, 2009

Tough economic times have spilled onto the streets of Venice, which has become a favorite place to park for scores of otherwise homeless people living in cars and campers. The practice has ignited a mini-uprising among residents living in the pricey coastal community.



New scientific discovery fuels muscle building

The number of cars and recreational vehicles has swelled so much over the last year that Councilman Bill Rosendahl, who represents the city's coastal areas, has proposed creating special zones away from neighborhoods where people can sleep in their vehicles.



Mysterious fruits reverse aging, improve health

"The community has been going ballistic,"

Rosendahl said. "They can't park their own cars. Some of the folks who live in their cars and in campers defecate and urinate outside and create other issues of quality of life and health."



His proposal, similar to programs in Santa Barbara and Eugene, Ore., would allow the cars and recreational vehicles to park in select "municipal properties, parking lots of churches or community-based organizations, industrial areas and other areas that would have minimal impact on residential communities."

Current city laws prohibit sleeping in a car or RV on the street.

"Let's stop kidding ourselves," Rosendahl said. "People are living in their cars. . . . So let's deal with the reality. In this economic downturn, it's even increasing."

Up to 200 people are living in campers or cars in the Venice area, which has many residential areas where overnight parking is not restricted, the councilman said. As part of his proposal, which is expected to be heard by a council committee within the next few weeks, neighborhoods in Venice would have the option of restricting overnight parking to residents who live in apartments and houses.



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However, some Venice residents said they feared that Rosendahl's plan might also designate certain residential streets in the beach-side community as RV zones.

"We don't believe the solution is turning residential areas into urban RV campgrounds," said Mark Ryavec, who heads the Venice Stakeholders Assn., which recently submitted to Mayor Antonio Villaraigosa and the council a petition with 237 signatures of residents opposed to Rosendahl's proposal.

Residents in parts of Venice have for years battled what they view as an incursion by RV dwellers. The tensions are particularly pronounced in and near the Oakwood section, a roughly one-square-mile area bounded by California Avenue, Lincoln Boulevard, Rose Avenue and Abbot Kinney Boulevard. Residents complain that some RV occupants defecate in alleys, party into the wee hours, and dump waste into gutters and storm drains.

Ryavec, co-chairman of a neighborhood council committee that is studying homelessness and RV living, said the panel has identified more than 20 "relatively isolated" sites in Rosendahl's 11th Council District that could each accommodate five to 10 RVs. They include an area across from the Dockweiler State Beach RV park, vacant rental-car lots in Westchester, and an RV and boat storage lot off Lincoln Boulevard. He said, however, that many RV dwellers "want to stay in Venice."

Terry, an RV dweller in Venice who spoke on the condition that her last name not be used because she feared retribution from residents, said more people have been forced to live in their vehicles because of the tough economy, the rash of condo conversions that have left many tenants without shelter and rules limiting overnight parking on certain streets in Santa Monica and Los Angeles' Westside.

Terry said Los Angeles police officers have proposed that she and others move their RVs to the area across from Dockweiler State Beach.

"That's 10 miles away," Terry said, as she exercised her dog near the Oakwood Recreation Center one recent evening. Her 1976 blue-and-white RV stood across the street. "These vehicles aren't going to make it down there."

She said such a move would be a hardship because her two teenage children attend school in the area; her daughter also works at a nearby restaurant. For the last three years, she and her children have lived in their car, a van and now the RV, which she said she bought for \$850 when it was in fine working order.

Since then, she said, people that she suspects are Venice residents have sliced her tires, put gravel in her gasoline tank, stolen her son's clothes and dented the RV's door with clubs.

"We can't tell the police," she said, adding with a note of irony: "We're the criminals."

In Santa Barbara, another town along the California coast that has become a favorite locale for people living in vehicles, the city started an "RV Safe Parking" program four years ago as part of its outreach to the homeless.

Seventy-five people have received permits to participate in the program, parking their cars at night in various city and county lots, as well as some operated by churches. Under a city contract, the New Beginnings Counseling Center has an outreach worker check on participants at least twice a week, referring them to housing and job assistance programs as well as other services that cater to their

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financial, physical and mental well-being.

Participants are required to provide their own restroom facilities, either in an RV or a portable toilet if they have a car, said Gary Linker, executive director of New Beginnings.

They must also follow a list of rules, and there have only been a few complaints from nearby residents over the last four years, he said. Those who apply for the program -- there is a waiting list -- are interviewed by the outreach worker to make sure they qualify.

"We have to make sure people aren't traveling through on vacation. This isn't a KOA," Linker said.

Rosendahl said his proposal is limited to the coastal district he represents, since Venice has been "overwhelmed," but it directs the council to address the issue of RV and car dwellers on a district-by-district basis. He also emphasized that the measure was meant to "kick the process in gear," with the understanding that plenty of related issues still must be debated and resolved.

That includes whether to limit the RV zones to people who can prove they have roots in the area.

That became an issue in Ontario in 2007, when the city set up a secure "tent city" near the airport for the homeless, complete with bathroom and shower facilities.

When hundreds of people from outside the San Bernardino County city descended on the site, Ontario officials decided to limit it to people who could produce documents showing that they had lived in the city.

"There is not an easy answer," Rosendahl said. "But at least this raises the issue of homelessness to a higher level."

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# The Seattle Times

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## Seattle mayor vetoes aggressive panhandling bill

By Emily Heffter  
Seattle Times staff reporter

It felt like a victory rally.

A crowd of more than 100 stood and cheered for Seattle Mayor Mike McGinn after he vetoed the City Council's panhandling legislation Friday afternoon. Speakers praised each other's courageous work in defeating a bill that not too long ago looked certain to pass.

"We share a vision of what our city can be," the mayor said. "On those shared values, now is the time for us to start working together."

But even as McGinn celebrated a political win, he was headed into a broader debate over whether his veto "and a recent decision to delay the hiring of 20 police officers" showed a lack of urgency and practicality in dealing with public safety.

People on both sides of the panhandling bill said they had hoped to use this moment to come together and make downtown safer, but it was clear a deep divide exists over how best to do that.

The measure proposed by City Councilmember Tim Burgess, a former police officer, would bar certain intimidating behaviors, such as blocking a person or using intimidating words or gestures while asking for something. Punishment would be a \$50 fine or community service.

The City Council passed the ban on aggressive panhandling 5-4 Monday. The council apparently lacks the six yes votes needed to override McGinn's veto.

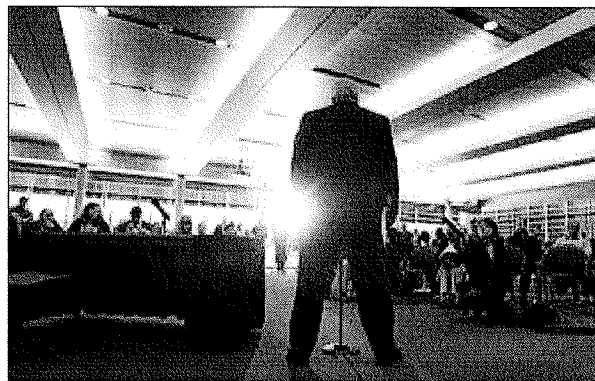
Proponents, including downtown business groups, Seattle's interim police chief and some advocates for the homeless, argued the legislation would help public safety and businesses downtown.

Opponents, including the American Civil Liberties Union (ACLU), campaigned to kill the bill. They said it violated civil liberties and essentially criminalized poverty.

"I do not believe this law would achieve its stated goals, nor do I believe it reflects Seattle's values," McGinn wrote in his veto letter to the council.

### McGinn's reasoning

He noted his concerns that the law could be unevenly applied, and that there are already laws in place that prohibit



ALAN BERNER / THE SEATTLE TIMES

Mayor Mike McGinn speaks Friday at City Hall after signing his letter to the Seattle City Council vetoing the panhandling bill. "I do not believe this law would achieve its stated goals, nor do I believe it reflects Seattle's values," he said.

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the sort of conduct the law seeks to address. He agreed with concerns about free speech and the access that accused indigents would have to an attorney over a civil infraction. He also said the bill would compel mental-health and drug treatment in ways that circumvented the "normal civil commitment process."

McGinn's arguments against the bill helped persuade Councilmember Mike O'Brien "an old friend of the mayor's" to make a last-minute switch to a no vote.

Burgess, the bill's sponsor, said he believes misconceptions fueled opposition to it.

Noting the lack of votes for an override, he said in an interview Friday that he'll now focus on funding for more police and social services.

"We clearly have a problem (with street crime)," Burgess said. "I know there are those that disagree and say there isn't a problem, but there is a problem."

### **20 cops not hired**

Although the council split on panhandling, they presented a united front Thursday when all nine council members sent a letter to McGinn attacking a delay in hiring 20 police officers and for not letting the council know.

McGinn cites severe budget problems as the reason for the delay.

The city's Neighborhood Policing Plan, approved in 2007, advocated foot patrols and a work-shift structure that makes more officers available when and where they are most needed.

To achieve that, the council planned for 20 new police officers per year for five years.

McGinn said he will "accelerate" the policing plan without adding officers.

"The Neighborhood Policing Plan that was adopted by the city a couple years ago is not about number of officers, but objectives," he said.

McGinn said if the city cannot afford more officers, he can still achieve the goals of the plan. He pointed out that police this month shifted some bicycle officers to foot patrol downtown to address public safety there.

Burgess said it is impossible to meet the goals of the Neighborhood Policing Plan without more officers.

The council is committed to protecting public safety and emergency human services, he said, even as it seeks to make millions of dollars worth of budget cuts this year and next.

### **Council largely absent**

Just two of the four council members who voted against the panhandling bill attended the mayor's veto-signing.

Councilmember Nick Licata, who led the opposition effort, said, "A law that was intended to bring more peace to downtown ended up bringing division."

Real Change News Executive Director Tim Harris compared Burgess' bill to treating cancer patients with leeches.

"It seems a bit divisive when you hear what's being said, but we're going to use it" to improve downtown safety, said Jane Rakay Nelson, chairwoman of the Downtown Seattle Association board of trustees.

She was one of the only proponents of the bill present at the veto ceremony and said she is concerned about the



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mayor's commitment to public-safety efforts downtown overall.

Shankar Narayan, legislative director for the local ACLU branch, on the other hand, said the veto offers "a golden opportunity to work on real solutions to create the downtown we all want."

*Emily Heffter: 206-464-8246 or [eheffter@seattletimes.com](mailto:eheffter@seattletimes.com)*

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latimes.com/news/local/la-me-edar10-2008dec10,0,5253031.story

**latimes.com**

COLUMN ONE

**Upgrading from a cardboard box for the homeless****The EDAR, a cross between a shopping cart and a pop-up camper, is a step up.**

By Martha Groves

December 10, 2008

Christopher Raynor's father kicked him out when he was 13, after his stepmother interrupted an orgy in his bedroom and the teen jammed a broom handle against her throat.

Now 40, Raynor has lived much of his life in the rough. His current domicile is a patch of dirt behind some pampas grass and coastal sage scrub where Pacific Coast Highway meets Terrescal Canyon Road, in the backyard of Pacific Palisades.

Until a few weeks ago, he dozed on a thin mattress in the open air. Now he beds down in a snug mobile shelter called an EDAR (short for Everyone Deserves a Roof), a covered contraption that looks like the offspring of a shopping cart and a pop-up camper.

Raynor's mother died of stomach cancer, his father was shot to death, and he himself has served time in jail. He spends much of each day intoxicated and grimy. He despises most people.

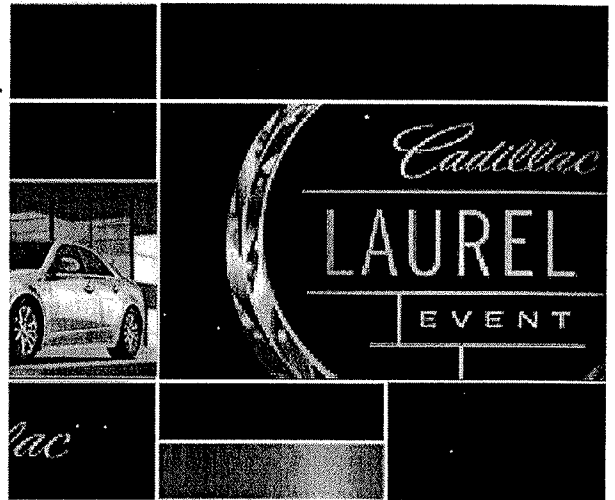
But he likes his EDAR.

"This is one of the greatest damn gifts you could ever give to anybody," he says.

The EDAR is the brainchild of Peter Samuelson, a philanthropist and film producer whose credits include "Revenge of the Nerds" and "Arlington Road." His life could hardly be more different from Raynor's.

Samuelson grew up in a middle-class London household where performing charitable work was expected. His father, Sydney, founded Samuelson Film Service, a supplier of film and TV equipment, and in 1995 was knighted for his service to the British film industry.

Peter Samuelson went to Cambridge University on a full scholarship, earned a master's degree in English



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literature and became fluent in French. He started in the film business as an interpreter for U.S. companies operating in Africa and Europe.

In 1975, after living off and on in Los Angeles, he settled here permanently, married an accountant and had four children.

"If you become an American on purpose, it's a very special thing," Samuelson, 57, said over breakfast at Nate'n Al deli in Beverly Hills. "America is not just a land of opportunity but also of personal responsibility. There's an obligation to lift up society."

In 1982, that obligation smacked Samuelson in the face when a cousin in London introduced him to a boy with an inoperable brain tumor. The child's great wish was to see Disneyland. Samuelson and his cousin footed the bill to fly the boy and his mother to Los Angeles for a two-week whirlwind of wish fulfillment.

"He went back to London clutching his Mickey Mouse ears and died," Samuelson said.

The experience prompted Samuelson to start the Starlight Foundation, an international charity that provides psychological and social services to seriously ill children and their families.

In 1990, he brought together director Steven Spielberg and Gen. H. Norman Schwarzkopf, among others, to create the Starbright Foundation, which develops software and other products to help children cope with the medical, emotional and social challenges of their illnesses. In 2004, Starlight and Starbright merged to become the Starlight Starbright Children's Foundation. Another Samuelson charity, First Star, advocates for abused and neglected children.

Three years ago, on his twice-weekly bike rides to the beach from his Holmby Hills house, Samuelson realized that he was seeing more homeless people. For three weeks, he interviewed dozens of them -- men, women and children.

"Where do you spend the night?" he asked one woman. She led him by the hand into the bushes and showed him a large cardboard Sub-Zero box.

"That was my epiphany moment," Samuelson said. "I've got the refrigerator. She's got the box. What is wrong with this picture?"

A 2007 homeless census revealed that on any given day there were more than 73,000 homeless people in Los Angeles County. (Some critics contend the number is overstated.) Downtown's skid row had the greatest concentration, with more than 5,000.

Samuelson said he was shocked by the demographics: About 60% of the homeless were men, 24% were women, and 15% were under 18. (Adult transgender individuals accounted for the rest.)

"I've always believed society is defined by how we deal with our weakest links," he said. "The best of America is when we take care of the less fortunate."

His first instinct was to build shelters, but then he did the math. Building a bed in a facility runs \$50,000 to \$100,000. The cost to house all of the county's street denizens would run into the billions. Besides, many of them resist services. So he thought: What is there that's better than a damp box on a rainy night

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even if it's not as good as a bed?

The idea of a mobile, single-person shelter popped to mind.

Samuelson sponsored a contest at the Art Center College of Design in Pasadena to design his "widget."

Eric Lindeman and Jason Zasa took the honors, with a mobile shopping cart-like apparatus. The cart features bins to hold cans, bottles and other recyclables collected by day. It folds out to create a sleeping platform, topped by a canvas cover with zippers and windows.

Samuelson labeled it an EDAR, and established the EDAR Foundation, whose slogan is: "Thinking outside the box."

With a donation from former EBay President Jeff Skoll, he took the design to Precision Wire Products, a manufacturer of shopping carts in Commerce. Precision produced a succession of prototypes, at least nine, to address critiques of the device: too big, too small, too flimsy, not readily collapsible. The units have been thrown down flights of stairs (they're sturdy) and left in the rain (they don't leak).

Three months ago, Samuelson decided to distribute 60 EDARs for testing. With the help of churches, missions and shelters, he and his assistants identified chronically homeless people who could benefit from an EDAR in the short term and might be willing to develop a lasting relationship with service providers.

After Dehanka Straughter was laid off from her job as a cook at a Compton preschool, she and her two sons, ages 2 and 6, were evicted from their \$975-a-month apartment.

They sold their furniture, stored some possessions in Straughter's unregistered car and stayed with family and friends for a few weeks. When Straughter saw people sleeping on the streets, she thought "that's where we'd be next." Then a friend told her that women and children could find temporary quarters at the Union Rescue Mission in downtown Los Angeles.

Now the petite Straughter, 27, sleeps in an EDAR with her boys on the fourth floor of the mission. They like it better than she does. "The kids adjust to anything," she said. "They think they're camping."

Still, she says, "I'm happy to have a place to bathe and eat and sleep."

With the economy sinking, mission Chief Executive Andy Bales is making room for more mothers with children and hopes to provide EDARs -- indoors -- for many of them. The EDAR Foundation provided 17 units; the mission has asked to buy 100 more, some for use in its winter shelter.

Bales hopes that with mass production, the price will drop to \$400 from just under \$500.

"They make a nice cot and provide a lot of privacy," he said. "I had a 6-foot-7 friend lie down in one. He was comfortable."

Raynor learned about EDAR from homeless acquaintances. A high school dropout and former construction worker, Raynor had spent three years in jail for auto theft and forgery. With police after him in Texas and his home state of Missouri, he went to Arizona. He left there in search of more temperate weather and found it next to Pacific Coast Highway.



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As traffic rushed by one recent starry Friday night, Raynor reminisced about his brushes with the law. Beer can in hand, he spoke of jumping a freight train to Texas to search for a friend's missing 13-year-old daughter. Wielding a sawed-off shotgun, he banged down a door and tied up two men who he thought knew her whereabouts. "How was I to know they were cops working on a sting operation?" he said.

Recently, a woman he described as his fiancée was struck and killed by a driver on PCH. Not long after, a male friend suffered the same fate, he said. The woman he'd married in Arizona disappeared from his life. He shares his PCH-adjacent turf with a woman named Yolanda, whose speech has been slurred by alcohol and a head injury.

Raynor said his EDAR is "very comfortable," cooled by sea breezes by day and made cozy by his body heat at night.

"It's about time someone took an initiative for people less fortunate than themselves," he said.

In October, the EDAR won \$10,000 in an innovation contest sponsored by Los Angeles Social Venture Partners, the Social Enterprise Institute and the USC Stevens Institute for Innovation. The EDAR Foundation ([www.edar.org](http://www.edar.org)) is seeking donations to produce more of the mobile shelters.

Students at Rand Corp., the Santa Monica think tank, are interviewing EDAR users and representatives of shelters and missions to assess how the units might fit into a system of comprehensive care for the homeless.

"The goal is to find out who will benefit most from this unit and therefore what the distribution plan should look like," said Barbara Raymond, a consultant working on the study. Raymond sees possibilities for EDARs in refugee camps and for victims of natural disasters.

Meanwhile, lawyers are sorting out legal issues. Will municipal codes allow users to park their units anywhere? What about constitutional questions and not-in-my-backyard complaints?

Erwin Chemerinsky, dean of the UC Irvine School of Law, said police fear the units could constitute dwellings where inhabitants would have a reasonable expectation of privacy. In that scenario, police would need warrants to search EDARs, which could become havens for drug use or prostitution. Chemerinsky maintains that cities could allow the units in designated public places as long as users consented to be searched, much like travelers entering an airport.

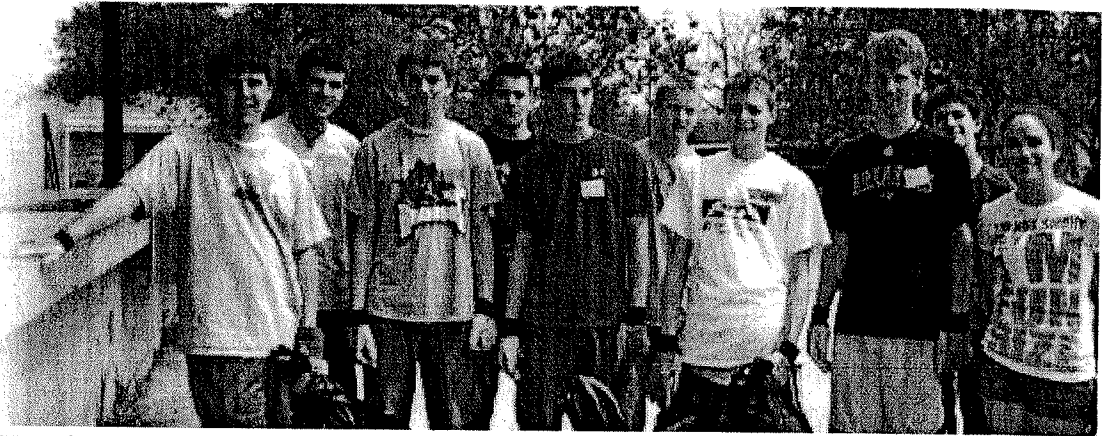
Samuelson anticipates those and other objections to his invention. Does the EDAR enable homelessness by making it more bearable? No, he insists.

"Why is the EDAR not regressive?" he said. "Because it is not nearly as good as a shelter bed. There's no pretense it's as good as permanent or temporary brick-and-mortar housing." But it is, he says, "infinitely better than a damp cardboard box."

Groves is a Times staff writer.

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## MISSION STATEMENT



Haven for Hope's mission is to transform and save lives of the homeless. Our purpose is to provide homeless individuals and families with the training, skills and assistance needed to help them become self-sufficient.



## HAVEN'S HISTORY

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In 2006, San Antonio Mayor Phil Hardberger and civic leader Bill Greehey met to discuss the serious and growing problem of homelessness in Bexar County. Mayor Hardberger then established the Community Council to End Homelessness, naming Greehey as Chairman of the effort and the then District 5 City Councilwoman Pattie Radle as Co-Chair. Greehey, Radle and the rest of the council, which was composed of community and business leaders, were charged with developing a plan to reduce homelessness in San Antonio. The group conducted extensive research on homelessness as well as visited and studied many successful homeless assistant centers and campuses around the country.

Treating the *root causes* of homelessness with a wide array of social services in a *single and central location* resulted in a 60% success rate (defined as a year of totally self-sufficient living). Campuses in San Diego, Miami, Phoenix and St. Louis were among some of the operations reviewed and analyzed to develop a set of operational best practices. Critical campus services include education, job training, day care, substance abuse treatment, medical care, identification recovery, case management, animal care services, hygiene, etc.



A single facility hosting all of the key service providers in a campus-style environment is more effective than having services scattered throughout the community and operating independently. It is imperative that the facility be managed by an independent board, free of political red tape.

At the recommendation of the Community Council to End Homelessness and through the leadership of Bill Greehey, Haven for Hope of Bexar County was formed as a 501(c)3 in November 2006. Bill Greehey was selected as Founding Chairman and Patti Radle was selected as Vice-Chairwoman. In December 2006 the Haven for Hope Board hired Dr. Robert Marbut Jr. as the President/CEO.

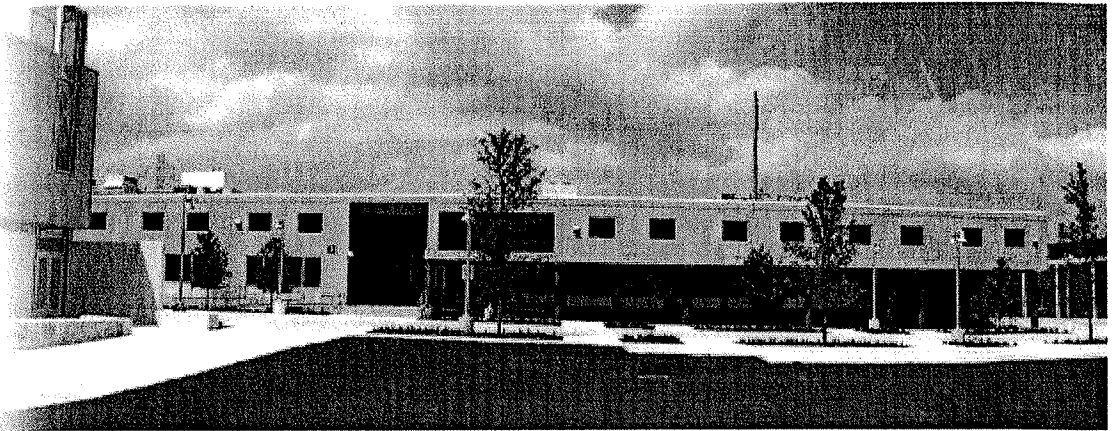
## GOALS FOR HAVEN FOR HOPE

Combining the national best practices found at over 150 facilities throughout the USA, we set a vision for Haven for Hope to provide a wide array of social services in order to meet the needs of San Antonio's homeless community in a "single-multiservice-campus" setting. In addition to shelter, food and clothing, Haven for Hope's services are designed to address the root causes of homelessness, with over 70 staff members providing a wide-array of critical services. For more information on our Partners and their services, please refer to the [Campus](#)

The Campus has already helped transform and save lives in Bexar County. The centralized and integrated Campus has created a more effective and efficient way to help homeless families and individuals. Effective treatment reduces the number of homeless individuals in the criminal justice and public medical systems.

HOME | CAREER OPPORTUNITIES | VOLUNTEERS | PARTNERS  
MAIL

Haven for Hope of Bexar County - 1 Haven for Hope Way, San Antonio, TX 78204  
220-2100



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## SEVEN GUIDING PRINCIPLES

As the Council to End Homelessness traveled around the country searching for best practices in the world of homeless service seven criteria that are critical to the success of a Transformational Campus.

- **Change the Culture of Warehousing to a Culture of Transfo**
- **Co-locate and Integrate as many services as possible**
- **Master Case Management**
- **Reward Good Decision-making**
- **Consequences for Bad Decision-making**
- **Align as many external services with the Campus as possit**
- **Separate the Panhandlers from the Truly Homeless**

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HOME | CAREER OPPORTUNITIES | VOLUNTEERS | PARTNERS | CONTACT | WEB MAIL  
Haven for Hope of Bexar County - 1 Haven for Hope Way, San Antonio, Texas 78207 (210) 220-2100

- Good afternoon Mayor Adams, and members of council. My name is Shelley Bailey and I am the co-proprietor of Central Drugs, a 107 year old independent retail pharmacy located at the corner of SW 4<sup>th</sup> and Alder.

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- I am here today to urge you to support the Sidewalk Management Plan Ordinance here before you as this ordinance provides clear management of the many uses that occur on our sidewalks.
- Though I have been with Central Drug for ten years, one of the primary reasons why our pharmacy has not been relocated throughout its history is due to the specific mix of clientele that can only be achieved in a central business district – a patient mix that includes Portland residents, downtown employees, and local and out of state visitors. Both locally as well as when I travel nationally to promote the value community based pharmacies, I continue to highlight that at Central Drugs we pride ourselves on being a firm that is supported by and excellent downtown and easy to access pedestrian environment.
- Both as a proprietor of a business downtown as well as a downtown resident myself, one of the best things about downtown is the small, walkable, blocks and intimate pedestrian realm. Our streets are truly “human scale.” But, this human scale often gets crowded and conflicted when there is no specific area designated for travel on the sidewalks.
- Our customers, many of whom are elderly, disabled, or have mobility challenges, say that often they have to literally navigate around people who are sitting in large groups on the sidewalks, or sometimes feel they must cross the street, to avoid a crowded setting in order to get to our pharmacy. While able bodied individuals may not think much of this, for people with mobility challenges, what is simple for some, is truly a hardship for others.
- As a retailer that is supported in large part by “walk in” customers, hearing of these hardships is of great concern. The business model of Central Drug, relies on the ability of downtown employees, residents, and travelers to be able to make an easy, convenient trip into our pharmacy. To the extent that these trips are mitigated

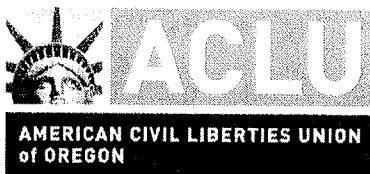


because of the lack of a clear travel zone on the sidewalks, our business suffers. Specifically during the summer of 2009, our staff received numerous complaints specifically addressing these challenges and ended up having patients transfer prescriptions to other pharmacies due to these accessibility hardships.

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- These are but among a few of the reasons why I would urge you to support the Sidewalk Management Plan before you today as this ordinance provides a clear passageway to allow pedestrians safe and easy access to travel on sidewalks.
- Portland prides itself on being a pedestrian friendly city, it is my continued hope that we work together, so that this pedestrian friendly verbiage remains true by keeping our sidewalks safe and accessible to all.
- Should you have follow up questions or concerns I am happy to answer to the best of my ability.

Thank You



TESTIMONY OF ANDREA MEYER  
LEGISLATIVE DIRECTOR/COUNSEL

BEFORE PORTLAND CITY COUNCIL  
IN OPPOSITION TO  
PORTLAND CITY CODE 14A.50.030  
PUBLIC SIDEWALK USE

April 29, 2010

The ACLU of Oregon appears here in opposition to the passage of this revised sit/lie ordinance. While we appreciate the attempt to focus on making our sidewalks truly accessible to everyone at the same time laws should be written so that the public, law enforcement, and ultimately the courts understand what can and cannot be done. We have real concerns about whether or not this ordinance accomplishes that goal.

**Definitions Are Not Clear:**

**Improper Use of Sidewalk in a High Pedestrian Traffic Area** provides that during set hours, "only pedestrians may use the pedestrian use zone in the high pedestrian traffic areas." 14A.50.030(B)(1).

So, what is a "pedestrian"?

**Pedestrian** is defined "a person who is **on foot** or assisted by a mobility device and able to move immediately to accommodate other sidewalk users." 14A.50.030(A)(1).

What does "**on foot**" mean? There's no dictionary definition because it's two words; it's an expression. And it doesn't necessarily have one meaning.

If one searches the Internet for "on foot" one definition is "by walking or running, rather than by riding." This term of "on foot" is used when one describes the means of transportation, as in: "I came on foot rather than automobile" or "the suspect fled on foot." Interestingly, one of the first links is to a Portland's Travel website which has a section "Downtown on Foot" encouraging walking tours of downtown Portland.

Another similar definition of "on foot" is "to be in motion." That means one is moving and traveling, as opposed to stopped or standing. If that were intended definition, then why have the rest of the definition of "pedestrian" to include "able to move immediately to accommodate other sidewalk users"? It would make the definition of a "pedestrian" something like: a person who is in motion and able to move immediately to accommodate other sidewalk users.

In addition, applying the definition “to be in motion” it would then be illegal for anyone to use the high pedestrian traffic area for anything other than movement, meaning no stopping or standing for any reason, to look around, ask directions, visit with friends, or stand near or even lean up against a wall waiting for TriMet or Max Train to avoid rain or, even more likely, to stand out of the way to avoid pedestrians who are moving. Is this what the code intends to prohibit?

I could not locate any definition of “on foot” to describe someone as standing (so as, one assumes, to distinguish this activity from someone who is sitting). There was a similar term for standing but it was “on (one’s) feet”. However, that’s not the term used in the ordinance.

A regulation is void for vagueness if a reasonable person cannot tell from the terms of the law what is prohibited and what is permitted.

### **Designation of specific pedestrian use zones**

The ACLU of Oregon is also very concerned about how this law will be implemented because the significant variance of each block – in width, in government structures, public art, trees and so on. Most blocks have unique characteristics making it difficult for anyone to figure out what is or is not allowed in any given area.

As one example, how will the area around Pioneer Courthouse be handled? Between 5<sup>th</sup> & 6<sup>th</sup> on Morrison a “pedestrian zone” is clearly defined because towards the curb side there are trees and pieces of public art along the whole block. No one traveling that block can easily navigate between the trees and public art. And it’s the curb, not frontage, side. While there already seems to be a natural “pedestrian use zone” it may not fit with the measurements in this code. So, is law enforcement going to rely on a tape measure to determine whether that already obstructed area must still be kept clear at all times?

And on the 6<sup>th</sup> Avenue side, this is now the new block-long max stop with barely any benches or covered areas. People seem to rely on the brick “fence” which is part of the courthouse to wait for transit services as well as to just be present. Will those individuals be moved? Will it depend on whether or not they look like they are waiting for transit services?

In theory, the idea of having the Director of the Bureau of Transportation define the dimensions of a pedestrian use zone at any particular location as set forth in section (g) of the ordinance makes sense, indeed arguably it should be required to reduce any confusion (assuming anyone understands what is and isn’t allowed in those marked areas). But how will businesses that end up being located near such designated areas feel about having their property so close to a designated area? We suspect many would prefer that areas not be marked.

### **Free Speech**

We urge that the language in this ordinance be consistent with other ordinances and rules. Specifically, this ordinance provides exceptions for free speech activity. However, it perpetuates confusion about the permitting requirements for free speech

activities and sidewalk use. Subsection G(5) of 14A.50.030 provides exceptions for free speech permitted activity and (G)(6) for persons assembled to participate or observe expressive events that is not permitted.

It suggests that a “performance, rally, demonstration, meeting or other similar event conducted on the public sidewalk” require a permit. That’s not the case. The rules adopted by Council for Street & Sidewalk Use Permits explicitly provides that: small sidewalk use of: less than 200 people; held on the sidewalk; that obey all traffic regulations are authorized without a permit. While (G)(6) may be intended to cover that activity, (G)(5) suggests those activities require a permit. We would suggest that (G)(5) be written in a manner that recognizes both permit and non-permit activity that is explicitly authorized by the City in its sidewalk and street permit rules.

### **Police Missions Using Plain-Clothes Officers**

The ordinance directs the police bureau to conduct “regular missions using plain-clothes and uniformed officers” to identify criminal acts on Portland sidewalks, including *littering*. Beyond the serious fact that it seems completely unnecessary to include this entire provision in the ordinance, is it really necessary to do police missions targeting littering? (We hope there will be statistics kept on all the crimes listed.)

### **Oversight**

The ordinance instructs that the “Sharing Public Sidewalks Advisory Committee shall monitor the implementation and enforcement of the new sidewalk use code for Council.” Apparently, that includes ACLU, as I have been asked to attend the Advisory Committee.

However, it is not within the scope of our work to provide oversight of this law. We purposefully did not sit on the oversight of the last ordinance (I served only on the original SAFE work group). But I observed significant frustration by members who did serve.

If the Council intends to delegate to a group of individuals meaningful oversight of this ordinance it must empower that oversight entity with the ability to collect all necessary data from both the Portland Police Bureau and the Bureau of Transportation. Without that, any oversight is, with all due respect, meaningless because it provides no independent authority to critically examine the application of this code. The City should learn from its past, and that is not just the frustration over the lack of data with the SAFE group but also with the Drug and Prostitution Free Zones and other programs that give additional authority by government in selected areas of the City.



Willamette Pedestrian Coalition  
 P.O. Box 2252  
 Portland, Oregon 97208-2252  
 info@wpcwalks.org, www.wpcwalks.org  
 503- 223-1597

*to improve  
 conditions for  
 walking in the  
 Portland region*

April 26th, 2010

Mayor Adams and Council Members  
 Portland City Hall  
 1221 SW 4th Ave Room 340  
 Portland, Oregon 97204

Board of Directors

Subject: Proposed Sidewalk Management Ordinance

*Philip Selinger,  
 President*

Dear Mayor and City Commissioners:

*Katie Urey,  
 Vice-President*

The Willamette Pedestrian Coalition (WPC) is an advocacy organization dedicated to improving conditions for walking in the region. Our Director, Steph Routh, and a board member, Jeanne Harrison, have been attending the Sharing Public Sidewalks Committee meetings and participating in the conversations about the proposed Sidewalk Management ordinance.

*Erin Kelley,  
 Recording  
 Secretary*

*Anne McLaughlin,  
 Treasurer*

We commend Commissioner Fritz and the rest of City Council for convening this committee to talk about the myriad and difficult aspects of managing the use of public sidewalks. This forum has brought a large number of diverse points of view to the table and has broadened everyone's perspective.

*Roger Averbek,  
 Corresponding  
 Secretary*

The Willamette Pedestrian Coalition would like to offer the following:

Members at Large

*Todd Borkowitz  
 Mike Dennis*

1. It's important for all people, regardless of ability, to be able to travel the sidewalks safely and without obstruction; this is particularly true for the elderly and disabled. As written, the ordinance will not ensure that everyone will know where through travel areas are located versus areas where sitting or standing is allowed. While we are sensitive to issues facing people experiencing homelessness and businesses with outdoor seating, sidewalks are an essential part of our transportation infrastructure that should not be compromised.

*Jeanne Harrison  
 Lidwien Rahman*

2. A Sidewalk Management ordinance should address all aspects of sidewalk management, such as sidewalk cafes, A-board signs, and newspaper boxes, in a consistent approach that values people over objects.

*Dr. Kevin Smith*

3. Any changes should be carefully discussed and reviewed by the Sharing Public Sidewalks Committee. This is an important issue that deserves considered discussion and an ordinance should not be rushed to passage.

*Margaret Weddell  
 Caleb Winter*

4. Prior to active enforcement of an adopted ordinance, emphasis should be placed on education outreach to those most likely to be affected for several weeks with flyers that show where people must be allowed free passage.

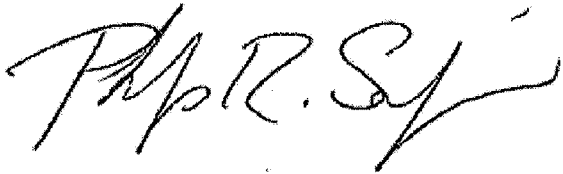
Director  
*Steph Routh*

5. Due to feedback from the public and members of the Sharing Public Sidewalks Committee, the Committee should be involved in monitoring the enforcement of the ordinance and making comments and recommendations back to City Council.



Thank you for allowing us to comment on the proposed Sidewalk Management ordinance. We look forward to continuing to work with the City on the Sharing Public Sidewalks Committee and other efforts that effect Portland's pedestrians.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip R. Selinger". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Philip R. Selinger, Board President  
Willamette Pedestrian Coalition

C: Commissioner Amanda Fritz  
Commissioner Nick Fish  
Commissioner Dan Saltzman  
Commissioner Randy Leonard

April Bertelsen, Pedestrian Program Manager, Portland Bureau of Transportation.